Attorney/Docket No. <u>31132.222</u> Customer No. 000027683



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Ferguson, et al.

Serial No.: 10/799,835

Serial No.: 10/799,835

Serial March 12, 2004

Serial March 12, 2004

Serial No.: 8484

led: March 12, 2004 §

For: TECHNIQUE AND INSTRUMENTATION FOR INTERVERTEBRAL PROSTHESIS

**IMPLANTATION** 

## SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and are not in any order based on their pertinence.

The above-identified application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirement under 37 CFR 1.98 (a)(2)(i) as stated in a Pre-OG Notice dated July 11, 2003, copies of only the foreign patent documents and non-patent literature listed on the enclosed modified Form PTO-1449 are attached.

This Information Disclosure Statement is being filed within three months of the United States filing date or before the mailing date of a first Office Action on the merits. No certification or fee is required (37 CFR §1.97(b)).

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,

Julie M. Nickols

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File: 31132.222

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Alexandria, VA 22313-1450 on 3/17/05

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U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE Complete if Known Application Number 10/799,835 Filing Date March 12, 2004 **INFORMATION DISCLOSURE** Applicant(s) Ferguson, et al. STATEMENT BY APPLICANT Art Unit (use as many sheets as necessary) 3738 Examiner Name TBD SHEET OF 1 Attorney Docket Number 31132.222

U. S. PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	
	A1	2005/0021040 A1	01/27/2005	Bertagnoli	
	***		-		
	F811				
				71	
			+		

FOREIGN PATENT DOCUMENTS						
Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date	Patentee or Applicant of Cited Document	Translation Y/N	

NON-PATENT LITERATURE DOCUMENTS					
Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published				
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Examiner			Date	
			Date	
Signature			Considered	
4.3		 	Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.